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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 16 March 1998, at 10.30 a.m.

Temporary Chairman: Mr. SOMOL (Czech Republic)

Chairman: Mr. SELEBI (South Africa)

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The meeting was called to order at 11.10 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the fifty-fourth session of the Commission on Human Rights.

2. Expressing his gratification at being called upon to open a session of the Commission held in the year of two important anniversaries, the fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration and Programme of Action, he said that the session should be viewed both as an opportunity to review the achievements of the past 50 years and as a starting point for the period yet to come.

3. The Bureau had met 10 times since the previous session and, in addition to discussing various procedural issues, had been fully involved in discussions on the human rights situation in the former Zaire (the Democratic Republic of the Congo) pending the appointment by the Secretary-General of a special team for that country. Other issues discussed by the Bureau had included the work of the field office of the High Commissioner for Human Rights in Colombia, a case involving the immunity of one of the Commission's special rapporteurs, the implementation of the Commission's decision 1997/125 concerning the report on racism, racial discrimination, xenophobia and related intolerance, and the preparation of the fifty-fourth session.

4. In accordance with the Commission's instructions, he had, on the basis of proposals from the regional groups, appointed members of the working group of intergovernmental experts on migrants and of the Working Group on Situations. He had also appointed a Special Rapporteur on Nigeria, the Special Representative on Rwanda, an Independent Expert to study the effects of structural adjustment policies on economic, social and cultural rights, and an Independent Expert on Chad. Lastly, following the resignation of the Special Rapporteur on the human rights situation in the territory of the former Yugoslavia consequent upon her new appointment as Special Representative of the Secretary-General for Bosnia, he had appointed Mr. Jiří Dienstbier to the vacant post.

5. The group of "friends of the chair" set up at the fifty-third session to serve as an informal consultative mechanism had addressed many important topics, such as the Commission's agenda and time management, the role of non-governmental organizations (NGOs) and various procedural issues, without, however, arriving at any concrete results or proposals. Those informal exchanges, and others with NGOs, had, however, produced a better understanding of the positions held, thus strengthening mutual trust among representatives and improving the chances of settling differences in the future.

6. Referring to the problem of over-politicization of the Commission's work, he said that human rights inevitably had a political content which no institutional measures could eliminate. A better balance between agenda items might, perhaps, ease the tension. Delegations were, of course, entirely free to present or defend their positions but it was essential that basic standards of mutual respect should be observed in the debates. Allegations containing racist, xenophobic, anti-Semitic, discriminatory or other unacceptable

features must be avoided. He appealed to all speakers, whether representatives of States or of NGOs, to respect those limits and to bear in mind the Secretary-General's statement that he disapproved of any accusations that were not substantiated by clear evidence.

7. In a related context, a deplorable sense of mistrust had developed among delegations along the so-called "North-South" divide, as a result of which suspicions about the hidden motives behind a proposal tended sometimes to overshadow what actually stood in the text. Such a situation hindered the progress of discussions on possible reforms.

8. The problem of selectivity and double standards within the Commission was, to some extent, inevitable because of the practical impossibility of discussing all countries where human rights were not sufficiently protected and promoted. It was only logical, therefore, that attention should be concentrated on the most serious country situations.

9. Turning to the question of the Commission's future work, he said that, when considering the resolutions submitted to it, the Commission should make a serious evaluation of the mandates they entailed. It might be useful to consider setting a limit upon the number of mandates issued, not only in view of the shortage of financial resources but also in order to avoid overlapping.

10. Another problem that had been repeatedly raised was that of the degree of transparency in the negotiation process. Informal discussions had shown that it was hardly practical to concentrate the negotiation of all resolutions and decisions in a single body and that some parallel negotiations would always be necessary given the time constraints. The trend towards biannualization of some resolutions appeared to be a promising approach.

11. In conclusion, he said that no progress had been achieved in the informal consultations on the restructuring of the Commission's agenda but that there was reason to hope that a breakthrough might be achieved at the fifty-fourth session.

STATEMENT BY THE SECRETARY-GENERAL

12. The SECRETARY-GENERAL, having expressed his pleasure at being present, said that the current session of the Commission on Human Rights would be a memorable one, coinciding as it did not only with the fiftieth anniversary of the Universal Declaration of Human Rights but also with the five-year review of the Vienna Declaration and Programme of Action. The Universal Declaration and the inviolable principles it enshrined were the fruit of the tireless efforts and determination of men and women from all parts of the world. Those principles, which had become the yardstick for measuring the degree of progress of societies, were currently known to and recognized by all the inhabitants of the globe. Needless to say, they did not necessarily know that the Universal Declaration had been adopted on 10 December 1948, and were not always aware that, over the past 50 years, the international community had provided itself with a complex apparatus for the promotion and protection of human rights. But they did know that human dignity was predicated upon respect for human rights.

13. All people shared a desire to live free from the horrors of violence, famine, disease, torture and discrimination. They believed that all individuals had the right to express themselves freely; to develop their talents; to pursue their own aspirations and those of the community. They knew that those rights belonged, not to a chosen few, but to all people. The people of the world had made human rights their own.

14. The growing support for the Declaration had given its message new life. It had extended the Declaration's reach far and wide and had reaffirmed its universality. The Declaration had served as a model for domestic constitutions and laws, regulations and policies, and practices of governance that protected human rights. Its provisions had supplied countless reference points for national courts, parliaments, Governments, lawyers and non-governmental organizations throughout the world. That wave of support, which had given the Declaration its place in the collective consciousness, was living proof that it spoke to a diverse world. All values had to find expression in the language of the people they were intended to serve and protect.

15. The fiftieth anniversary motto, "all human rights for all", summed up the challenge currently facing humankind. The Declaration served as the common proclamation of human rights but, unfortunately, it had yet to serve as the common call to action. Human rights violations remained a widespread reality that the international community had been unable - and in some cases unwilling - to stamp out. The reasons for the gap between rhetoric and reality were complex, but they had to be addressed if the vision of the founding fathers contained in the words of the Declaration was to be realized.

16. The time had come to push for the ratification of human rights treaties so as to make human rights legally binding the world over. Both he and the United Nations High Commissioner for Human Rights - whom he invited the Commission to greet with a round of applause - had urged all Heads of State and Government to reiterate that call by the Vienna World Conference on Human Rights. The United Nations human rights programme stood ready to support steps taken by the Member States to that end.

17. He saw the role of the United Nations - and his own as Secretary-General - as central to the expression, promotion and safeguarding of human rights. In the months leading up to his election, much had been heard about fiscal discipline and administrative efficiency. Yet, as he had said on taking up the post, what was and had to remain the guiding star was the moral dimension of the work of the United Nations. To mark the fiftieth anniversary of the Declaration, he had broached the subject of human rights before audiences everywhere, from Tehran to Shanghai.

18. His own continent, Africa, was a case in point. When he had addressed the Organization of African Unity in Harare in 1997, the message that he had had to convey had been a difficult but, at the same time, a very simple one. He had pointed out that, in the previous five decades, Africa had been through a series of transformations. First there had been decolonization and the struggle against apartheid; then there had been a period marked and marred by civil war and military rule. He believed that the time had come for Africa's third wave, a wave of peace, rooted in democracy and human rights. The

success of that wave, however, began with a simple proposition: the will of the people. Throughout the world, the evils of coups d'état were becoming increasingly recognized. Of that there could be no better proof than the return to Freetown a week previously of President Ahmad Tejan Kabbah, following the removal from power of the illegal military junta.

19. Yet some Africans still viewed the concern for human rights as a rich man's luxury for which Africa was not ready, or even as a conspiracy imposed by the industrialized West. He found such thoughts demeaning to the yearning for human dignity that resided in every African heart. Did African mothers not weep when their sons and daughters were killed or tortured by agents of oppressive rule? Did African fathers not suffer when their children were unjustly sent to jail? Was Africa as a whole not the poorer when just one of its voices was silenced?

20. As he had told his audience in Harare, human rights were African rights. They were also Asian, European and American rights. They belonged to no Government and were limited to no continent, for they were fundamental to humankind itself. They were the concern of all levels and sectors of society. What the High Commissioner for Human Rights had called the "bottom up" approach meant action at both grass-roots and national levels. "All human rights for all" required national programmes and capacities; it meant joint action by Government and civil society; it implied a responsibility shared by institutions and individuals.

21. The participants in the Commission understood, perhaps more clearly than any other gathering, that, for the victims of human rights violations, action usually came too late. It was not enough to tell such victims that the international community had done its best. It was surely better to act to prevent such violations from happening.

22. The next century must be the age of prevention. The international community could no longer claim that a lack of available resources prevented it from acting in time. Today's human rights violations were the causes of tomorrow's conflicts. That vicious circle of violations and conflict, leading to new violations, could and must be stopped. There was almost unlimited information available on events around the world. Reports were submitted to the Commission, to the General Assembly and to the High Commissioner. They should be seen as diagnostic tools and early-warning signals. They must not be disregarded. The international community must summon the will to use such information to act in time.

23. The international community had yet to absorb fully the implications of the link between democracy, development and human rights, a link which had been stressed by the World Conference. It had been demonstrated by the experiences of all nations which, highlighted sometimes by remarkable achievements and sometimes by tragic events, taught that sustainable development was impossible without the full participation of the people and that it was impossible in the absence of full human rights. Human rights were integral to peace and security, economic development and social equity, because human life and human development were at the heart of every mission and every programme pursued in the United Nations. Human rights propelled peace and development, reinforced the rule of law and released, without

inhibition, the creativity of individuals and societies alike. It was only gradually beginning to be understood how much the international community's approach to peacekeeping, humanitarian affairs and sustainable development would be altered and enriched by taking in the human rights factor. The task was not an easy one. But the consequences of failure would be harder still - for the current generation, for its children and for its children's children.

24. The United Nations had been built in order to save succeeding generations from holocaust and war: horrors which had brought untold sorrow to humankind. The Universal Declaration had been born out of that experience as a mission statement never to let such horrors happen again. The international community could not afford indifference, individually or collectively. It should heed the unforgettable warning of the German theologian Martin Niemöller:

> "In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up."

25. If the people of the world did not speak out, individually and collectively, whenever their conscience was challenged by inhumanity and intolerance, they would not have done their duty either to themselves or to succeeding generations. The time had come to ask not only how the Declaration could protect people's rights but how the Declaration itself could rightly be protected. Half a century after its adoption, it was time to embark on a new stage in the journey to bring its message to life for all people.

26. He called upon the participants in the Commission to seize the opportunity presented by the anniversary. The moment had come to chart the course of human rights for the next 50 years and beyond. He hoped that 1998 would be the year in which the world once again looked to the Declaration, as it had done 50 years earlier, for a common standard of humanity for all of humanity.

ELECTION OF OFFICERS (item 1 of the provisional agenda)

27. The TEMPORARY CHAIRMAN invited nominations for the Office of Chairman.

28. Ms. DIALLO (Senegal), speaking on behalf of the African Group, nominated Mr. Selebi (South Africa).

29. Mr. LAGOS (El Salvador), speaking on behalf of the Latin American and Caribbean group, and Mr. HÖYNCK (Germany), speaking on behalf of the Western European and Others Group, supported the nomination.

30. Mr. Selebi (South Africa) was elected Chairman by acclamation.

31. Mr. Selebi (South Africa) took the Chair.

32. The CHAIRMAN invited nominations for the three offices of Vice-Chairman and for the Office of Rapporteur.

33. Mr. HÖYNCK (Germany), speaking on behalf of all the regional groups, nominated Mr. Chowdhury (Bangladesh), Mr. Gallegos Chiriboga (Ecuador) and Mr. Hynes (Canada) for the offices of Vice-Chairman and Mr. Kuzniar (Poland) for the office of Rapporteur.

34. Mr. Chowdhury (Bangladesh), Mr. Gallegos Chiriboga (Ecuador) and Mr. Hynes (Canada) were elected Vice-Chairmen by acclamation and Mr. Kuzniar (Poland) was elected Rapporteur by acclamation.

STATEMENT BY THE CHAIRMAN

35. The CHAIRMAN, after paying tribute to the work of the outgoing Chaiman, Mr. Somol if the Czech Republic, said that, by electing a South African to preside over its fifty-fourth session, the Commission was sending an important and symbolic message. It had finally been able to remove the question of apartheid from its agenda in 1995, and a very different South Africa was currently able to participate fully in the work of the United Nations. His country, which cherished its hard-won liberties and was proud of its new Constitution and national institutions, acknowledged, of course, that its human rights record was not perfect and that the strains on society caused by decades of human rights abuses could not be expunged overnight. Like other societies, the people of South Africa were coming to terms with their past and struggling to create their future.

36. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, he could think of no better way for the Commission to commemorate the adoption of the Declaration than by expressing its support for those who devoted themselves to defending the ideals enshrined in that document namely, by adopting the draft declaration on human rights defenders.

37. In the 51 years of its existence, the Commission had built up an impressive record of achievement in the field of standard-setting and of human rights monitoring. The set of shared values which it had articulated had contributed to the fact that at no earlier time in history had so many people lived under democracy and in freedom. While that was no small achievement, no one could remain content while untold horrors and abuses continued to be committed throughout the world; there was still much work to do.

38. In order to continue to play an important role in the promotion and protection of human rights, the Commission had, first, to remain relevant and credible. It must take an integrated and cooperative approach to its work and bring its agenda into line with the realities of the world. It should thus give serious consideration to ways in which the proposals for reform of the agenda could be implemented. Moreover, developments over the past few years suggested that the mechanisms of the Commission were not working as they should, and the Secretary-General had requested the High Commissioner to undertake a review of them with a view to enhancing their effectiveness and their relevance. He suggested, therefore, that a review of all mechanisms, from the Sub-Commission to the working groups to the special

procedures, should be undertaken by two members of the Bureau working with the High Commissioner, who would report to the Commission at its fifty-fifth session.

39. Collectively, its members could make the Commission a more relevant and effective body for the promotion and protection of human rights. He appealed to all participants, therefore, to refrain from using the forum to advance political agendas and engender confrontation, and rather, to promote a genuine spirit of cooperation. The yardstick for measuring the success of the work of the Commission would be whether or not it had made a positive difference to the lives of people somewhere in the world.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1998/1 and Corr.1)

40. The agenda was adopted.

The meeting was suspended at 12.15 p.m. and resumed at 12.40 p.m.

STATEMENT BY THE PRESIDENT OF THE CZECH REPUBLIC

41. Mr. HAVEL (Czech Republic) said he wished to pay tribute to the memory of Jan Masaryk, the former Minister for Foreign Affairs of Czechoslovakia, who had been present at the birth of the United Nations and had also participated in the drafting of the Universal Declaration of Human Rights. Masaryk had lost his life 50 years previously, almost to the day, as a result of the Communist takeover of Czechoslovakia. Later in the twentieth century, however, the concept of human rights had played an important role in his country, both as Czechoslovakia and as the Czech Republic and the non-violent struggle for human rights had led to the collapse of the totalitarian system there.

42. Any person who attained a high political level found that there was some degree of conflict between respect for human rights and the economic and political interests of a nation. As President of the Czech Republic, he had been faced with that problem and had always given precedence to human rights, being firm in the conviction that the businessmen and pragmatic politicians who believed that turning an occasional blind eye could result in major profits were utterly wrong: the suppression of human rights led inexorably to economic decline.

The meeting rose at 12.50 p.m.